

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FEI FEI FAN,

Plaintiff,

v.

YAN YAO JIANG,

Defendant.

Case No. 3:21-cv-00458-MMD-CSD

ORDER

Plaintiff Fei Fei Fan filed this lawsuit against Defendants Yan Yao Jiang and his wife Wei Wu<sup>1</sup> in 2021, bringing sex trafficking, involuntary servitude, and forced labor claims against them, along with related state law claims, arising out of an allegedly nonconsensual, sexual relationship between Jiang and Fan spanning many years. (ECF No. 1.) United States District Judge Robert C. Jones dismissed Fan's claims against Jiang (ECF No. 107) and Wu (ECF No. 108) with prejudice (the "Dismissal Order(s)"). Fan appealed. (ECF No. 110.) Judge Jones later awarded Wu her attorneys' fees against Fan. (ECF No. 122.) The case was subsequently reassigned to the Court. (ECF No. 124.)

The Ninth Circuit then dismissed in part, affirmed in part, vacated in part, and remanded the Dismissal Orders. (ECF No. 125 ("Memo Dispo").) The Ninth Circuit specifically dismissed Fan's appeal of a sua sponte sanctions order (*id.* at 2), affirmed Judge Jones' dismissal of all of Fan's claims against Wu and some of her claims against Jiang (*id.* at 2-5) but vacated the dismissal of Fan's "forced labor claim under 18 U.S.C. § 1589(a)(4) for the 2015–2019 period" and Fan's state-law claims against Jiang (*id.* at 3-4).

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<sup>1</sup>As further explained below, the United States Court of Appeals for the Ninth Circuit affirmed the dismissal of Fan's claims against Wu, so she is no longer a defendant in this case. (ECF No. 125 at 4-5.)

1 Fan filed what she titled a motion to compel but is basically a second motion asking  
2 the Court to fire her attorney, and Jiang filed a renewed motion for summary judgment,  
3 between the time the Ninth Circuit issued the Memo Dispo and its corresponding  
4 mandate. (ECF Nos. 125 (Memo Dispo), 127 (Fan's motion), 128 (Jiang's motion), 129  
5 (mandate).) Jiang filed his pending motion prematurely because Judge Jones had  
6 dismissed the case in its entirety and the Court lacked jurisdiction to consider it until the  
7 Ninth Circuit issued its mandate. See, e.g., *Matter of Thorp*, 655 F.2d 997, 998 (9th Cir.  
8 1981). The Court will accordingly deny that motion without prejudice to refile at an  
9 appropriate time. Fan's motion is also improper, but as she is attempting to proceed *pro*  
10 se and appears confused,<sup>2</sup> the Court will refer her motion to United States Magistrate  
11 Judge Craig S. Denney to resolve.

12 For now, the Court will execute the Ninth Circuit's mandate. See, e.g., *Hall v. City*  
13 *of Los Angeles*, 697 F.3d 1059, 1067 (9th Cir. 2012) (saying this is what district courts  
14 must do with mandates).

15 It is therefore ordered that the Dismissal Order is vacated as it relates to Fan's  
16 claims against Jiang, in part, and to the extent necessary to reflect that Fan may proceed  
17 with her "forced labor claim under 18 U.S.C. § 1589(a)(4) for the 2015–2019 period" and  
18 her state-law claims against Jiang. (ECF No. 107 at 9-11, 12 (the portions of that  
19 Dismissal Order the mandate requires the Court to vacate).)

20 It is further ordered that the Court denies Jiang's renewed motion for summary  
21 judgment (ECF No. 128) without prejudice to refile at an appropriate time.

22 It is further ordered that the Court refers the issue of Fan's representation by  
23 counsel to United States Magistrate Judge Craig S. Denney, including as reflected in her  
24 pending motion (ECF No. 127). Judge Denney may set hearings or issue further orders  
25 as he sees fit to bring that issue to a just resolution.

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<sup>2</sup>Fan previously filed a similar motion that Judge Denney denied because it violated  
the pertinent Local Rules. (ECF Nos. 123, 126.)

1 It is further ordered that the Court also refers this case to Judge Denney for  
2 purposes of creating a new scheduling order to bring this case to final resolution  
3 consistent with this order and the Ninth Circuit's mandate.

4 The Clerk of Court is directed to update the docket accordingly.

5 DATED THIS 2<sup>nd</sup> Day of January 2025.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE